

**Sierra Madre Municipal Code
(Excerpts)**

Chapter 12.20: TREE PRESERVATION AND PROTECTION

12.20.010 - Purpose and intent.

A. The city is located at the foothills of the San Gabriel Mountains in Los Angeles County. Native oak and other native and ornamental trees are dominant features in the landscape. These trees significantly enhance the aesthetics, increase property value, improve air quality, reduce summer cooling costs and improve the health and welfare of the community. The city council adopts this "tree preservation and protection ordinance" (to replace repealed Ordinance 1103 and Moratorium Ordinance 1146U) in order to contribute to a better public understanding of the value of the city's trees and to prohibit indiscriminate damage and destruction of this significant resource. This chapter establishes basic standards and measures for preserving and protection the city's public trees and the last vestiges of the city's landmark oak trees located on undeveloped private property. This chapter also specifies the requirements for planting trees on public property in or adjacent to newly planned or renovated commercial and residential developments.

B. Preserving and protecting existing trees are worthwhile because:

1. Trees are a valuable long term community asset and tend to increase property values;
2. Trees protect us from climatic extremes. They recycle water, absorb carbon dioxide, release oxygen, provide shade and windbreak protection and moderate temperatures of neighborhood and community;
3. Trees screen dust and absorb pollutants;
4. Trees diffuse the effects of rain that weather houses, erode topsoil and cause flooding;
5. Trees provide habitat for birds and other animals;
6. Trees contribute to the pleasantness and serenity of neighborhoods and help reduce the stress of modern living;
7. Trees enhance the architectural character of a neighborhood, accent or soften the effect of structures, promote visual aesthetic interest, and can screen undesirable views.

(Ord. 1157 § 1(part), 1998)

12.20.020 - Definitions.

For the purposes of this chapter, certain terms are defined as set forth in this section:

"Arborist" means a person who is accredited by the Western Chapter of the International Society of Arboriculture.

"Certification letter" means a concluding statement by an appointed tree expert stating that a work required to be monitored was duly performed and observed by him/her and that such work fully complied with the conditions of the discretionary permit, tree expert report, tree permit and/or the applicable provisions of this chapter.

City Administrator. For the purposes of the chapter, where the city administrator is specified to act on behalf of the city, he/she may at his/her discretion appoint a representative to act in his/her behalf.

Contractor. For purpose of this chapter, **"contractor"** is defined as a professional tree maintenance expert. The contractor shall hold valid C-27 or C-61/D-49 State Contractor's Licenses, liability and workers compensation insurance policies. The contractor shall also hold a valid business license in the city of Sierra Madre.

"Damage" means any action undertaken which causes injury, death or disfigurement of a tree. This includes, but is not limited to, cutting, poisoning, under or over watering, relocating or transplanting, trenching, excavating or paving, storing of material which pierce the bark of the tree by means of nails or other objects.

"Director" means the director of public works of the city of Sierra Madre or his/her designee.

"Dripline" means the outermost edge of the tree's canopy. When depicted on a map, the dripline will appear as an irregular shape the follows the contour of the tree's branches as seen from overhead.

"Protected tree" means any Southern California Black Walnut (*Juglans californica*), Engelmann Oak (*Quercus engelmannii*), Coast Live Oak (*Quercus agrifolia*), or Western Sycamore (*Platanus racemosa*) tree whose trunk (or collective trunks) exceed a diameter of four inches measured four feet above natural ground level.

"Removal" means the immediate or long term killing of a tree by any means, including cutting, poisoning or other lethal means.

"Root feeding zone" means the outer two-thirds of the root zone.

"Root zone" means the circular area surrounding the trunk with a radius fifteen times the trunk diameter or the area between the dripline and the trunk, whichever is greater.

"Street trees and other public trees" means any tree of which more than one-half of the trunk's basal cross-sectional area is located on city property.

"Substantial trimming" means pruning which removes more than twenty-five percent of the live growth of a tree within any twelve-month period.

"Topping" means removal of the highest part of a tree by the use of a large heading cut.

"Tree" means a woody perennial plant distinguished from a shrub by having a comparatively greater height and, characteristically, a single trunk rather than several stems.

"Tree advisory commission" means a seven-member group of Sierra Madre residents, appointed by the city council, who shall serve staggered four-year terms as described in Section 12.20.030 of this chapter.

"Tree expert" means a professional forester, arborist or an authority whose academic training and/or long practical experience, as determined by the tree advisory commission, allows that person to reliably recommend the removal or preservation of trees based on their species, location, health, form, longevity and monetary value. Such person may be a resident of the city volunteering his/her services, a city employee, or a member of the commission appointed to the position of tree expert by the commission.

Tree Trunk Diameter. Such diameter shall be measured four feet above the ground. Where a tree grows on sloping ground, height shall be measured from the high side of the ground level.

"Trim Substantially" means and applies to both above surface and underground cutting. For branches, it shall mean the removal of more than an estimated twenty-five percent of the live branches of the tree in any one-year period or removal of any limb with a diameter of three inches or greater. For roots, it shall include the removal of more than an estimated twenty-five percent of the live root mass in any two-year period, or cutting of any root with a diameter of three inches or greater.

"Undeveloped property" means any property, or portion thereof, which carries a hillside management zoning, institutional zoning or any residential zoning designation and which:

1. Is currently unimproved with any habitable structure; or
2. Is situated more than one hundred fifty feet removed from any habitable structure; or
3. As to which a demolition permit for demolition of a habitable structure (so as to make it uninhabitable) has been applied for or issued.

(Ord. 1157 § 1(part), 1998)

12.20.030 - Tree advisory commission.

A. Members of the tree advisory commission shall be appointed by resolution of the city council, carried by the affirmative votes of not less than three members of the city council, except as expressly provided therein. Each member of the tree advisory commission shall serve at the pleasure of the city council. Any member of the tree advisory commission may be removed from his/her position on the commission at any time by the city council with or without cause. No such removal shall take place unless a motion to that effect, made at a regular, adjourned regular, special, or adjourned special meeting is carried by not less than the affirmative votes of three members of the city council. Any member of the commission who is absent, without cause, from three successive regular meetings of such commission, shall be deemed automatically to have vacated his/her office.

B. Members of the tree advisory commission shall serve staggered four year terms. The commission shall consist of seven members whose primary place of residence shall be Sierra Madre. The chairman of the commission board shall be selected by majority vote of the commission. The commission secretary shall be responsible for accurately recording and preparing the action minutes of the commission for approval of the commission at the following commission meeting. The secretary shall be selected by majority vote of the commission. The staff liaison to the tree advisory commission shall be the director of public works.

C. The tree advisory commission shall serve as an advisory panel to the director of public works, the city administrator, the planning commission, and the city council. The commission shall make recommendations to the director of public works, the city administrator, the planning commission and the city council as appropriate on matters involving the care and maintenance of city-owned trees and trees on private undeveloped property (as defined herein).

D. In its capacity as an advisory panel, the tree advisory commission shall review requests to remove city-owned trees and shall review development plans and tree surveys (pursuant to the city's CEQA guidelines) processed through the city's departments of public works and development services. The commission shall also review requests from owners or occupants of undeveloped property (as defined herein) to remove, damage, or substantially trim (as defined herein) any protected tree (as defined herein). The commission shall make recommendations to the director of public works or the planning commission, (whichever is appropriate) relative to the removal of trees and the mitigation measures to be implemented by the applicant.

E. The tree advisory commission shall be responsible for the development and promotion of educational activities within the city relative to the care, planting, and preservation of trees on private property within the city.

F. The tree advisory commission shall hold regular public meetings on the third Wednesday evening of each month. The meetings will be held at City Hall and shall be subject to the requirements of the Brown Act.

G. The tree advisory commission shall be charged with the development and maintenance of a list of trees native to the Sierra Madre area. The native tree list shall describe the growth characteristics of such native trees, outline the proper care and maintenance of such trees and describe suitable locations for planting of such trees.

H. The tree advisory commission shall be charged with the development and maintenance of a street landscaping plan for the city. The street landscaping plan shall include a list of trees suitable for planting in the city's parkways especially favoring the recommendation of native species where possible. The landscaping plan shall provide guidelines for spacing of tree plantings from existing trees and other parkway improvements such as sidewalks, hydrants, driveways, street lights, etc. Such determination shall be made by the commission after consultation with arborists or tree experts.

I. The tree advisory commission shall identify and recommend to the city council sites on public property suitable for the planting of native trees. The city council may designate one or more sites as a mitigation bank available for off-site mitigation in the event that an applicant for a tree removal permit is unable to fully mitigate the impacts resulting from the removal of trees from their property within the boundaries of the same property.

12.20.040 - Tree removal—Tree trimming.

A. It is unlawful for any person, firm or corporation to either "remove" (as defined herein) or "substantially trim" (as that term is defined herein), without a permit from the city having been issued therefor:

1. Any "street tree" (as defined herein); or,

2. Any "protected tree" (as defined herein) in connection with an application for a subdivision, a parcel map, or a lot line adjustment, or a development project (or proposed development project) to construct any pad, parking lot, grading, or other construction exempt from the city's environmental regulations;

3. Any "protected tree" (as defined herein) on any "undeveloped property" (as that term is defined herein).

B. It is unlawful for any person, firm or corporation, to accept payment for removal or trimming of any tree within the city unless that person, firm or corporation is in possession of a valid business license from the city and a valid C-27 or C-61/D-49 State Contractor's Licenses, liability and workers compensation insurance policies.

(Ord. 1202 § 2, 2003; Ord. 1201U § 2, 2003; Ord. 1157 § 1(part), 1998)

12.20.045 - Tree planting, removal, trimming on public streets—Permission required—Standards—Appeals.

A. It is unlawful for any person, firm or corporation to plant or set out any trees along public streets without the written consent (permit) of the director of public works.

B. It is unlawful for any person, firm or corporation to remove any tree or device necessary for the protection thereof from a public street without the written consent (permit) of the director of public works.

C. Except as otherwise allowed in this chapter, it is unlawful for any person, firm or corporation to trim substantially (as defined herein) any tree along a public street without the written consent of the director of public works.

D. Any person accepting payment for the trimming of city trees pursuant to this section shall be a licensed contractor as defined in Section 12.20.020.

E. In permitting any planting, trimming or removal of trees pursuant to this section, the director of public works shall be guided by the requirements of this chapter, the standards of the International Society of Arboriculture (latest edition), the American National Standards Institute A300 standards for tree maintenance (latest edition), and an approved street landscaping plan. The aforementioned standards, as they may be amended, shall be kept on file at City Hall and at the city library and available for reference.

F. In the event that removal of a public street tree, six inches or more in diameter, is pending, whether by city determination that such removal is desirable for public safety, preservation of public utilities or sidewalk repair, or similar reasons, or by application of the property owner on

which such tree(s) is (are) situated, notice shall be posted on such tree(s), by a method which does not penetrate the trunk. The city must also inform all property owners on the street in the block in which such tree(s) is situated at least thirty days before such action can proceed. Persons aggrieved by or objecting to the removal of any posted tree may file a written appeal to the director of public works. No action shall be taken to remove such tree while there is any appeal of such action until the director of public works, city administrator and/or the city council, as specified herein, have taken action on such appeal.

G. Any person aggrieved by or objecting to any act or determination of the director of public works in the exercise of the authority granted by this section shall have the right of appeal to the city administrator. Any person aggrieved by or objecting to any act or determination of the city administrator in the exercise of the authority granted by this section shall have the right of appeal to the city council. Such appeals shall be filed with the public works director. Within ten days of receipt by the public works director of such appeal, he/she shall inform the city administrator of such appeal; if the appeal is to the city council, the city administrator shall place on the city council agenda for the next available date a public hearing on the appeal. Any appeal not supported by a written statement of grounds for appeal may be disregarded by the director of public works and/or the city administrator. At least ten days prior to such city council hearing, notice of the time and date of the hearing shall be posted at or near the subject tree or trees. The party appealing shall be likewise be notified by mail of the date and time of the hearing.

(Ord. 1157 § 1(part), 1998)

12.20.050 - Franchise holders—Emergency trimming of trees and public streets.

Notwithstanding the other provisions of this chapter, duly authorized personnel of utility companies whose franchises from the city are current and in effect may in any emergency, without director of public works authorization, trim or remove trees on a public street which threaten to interrupt or have interrupted utility service.

(Ord. 1157 § 1(part), 1998)

12.20.055 - Exemptions—Emergency removal of trees.

A permit is not required to remove a tree in the following circumstances:

- A. No permit shall be required for the removal of an established tree damaged by a storm, fire or other natural disaster and determined by the city administrator, director of public works, a peace officer, or firefighter to be an immediate hazard to life, injury, or property.
- B. A permit shall not be required for the removal of an established tree when removal is deemed necessary by fire department personnel actively engaged in fighting a fire.
- C. A permit shall not be required when determination has been made by the tree advisory commission that the tree is no longer viable or is a threat to life, injury or property.
- D. A permit shall not be required for removal of a tree by an overhead utility franchise holder must remove a tree that in danger of interrupting or damaging utility service.

E. A permit shall not be required for pruning of those branches of a neighbor's tree that encroach upon another owner's property. The owner of the property into which the branches encroach may trim or remove the encroaching branches of the tree provided that the trimming does not exceed the limitations described herein in the definition of substantial trimming.

(Ord. 1157 § 1(part), 1998)

12.20.070 - Duty of abutting land owners to cultivate trees on public property.

A. It is made the duty of all owners and persons having the possession and/or control of real property within the city to properly cultivate, care for and maintain all trees now or hereafter planted or set out within any public street planting areas immediately adjacent to their respective real properties, subject, however, to: (1) the general supervision, direction and control of the director of public works as described in Section 12.20.040, and (2) the right of the city and franchised utility companies to perform any emergency or maintenance work deemed necessary. The city shall, at no cost to adjoining property owners, when recommended by a cognizant tree expert, remove, cut, prune or trim any street or public tree which is found to be dangerous to health and safety.

B. The property owner's responsibility for street tree maintenance includes irrigation, keeping the right-of-way planting area free from weeds, debris or other obstructions inimical to public safety and/or contrary to the street landscaping plan, keeping tree trunks and branches free from climbing vines, and otherwise maintaining such areas in a neat, clean and orderly manner.

C. Notwithstanding other provisions of this chapter, it is made the duty of all persons owning or occupying any land within the city to keep all street trees within any public street planting areas immediately adjacent to their respective real properties and all private trees which extend over any public street or walkway trimmed so as to remove any foliage encroaching into space above a street to a height of fourteen feet and above sidewalk areas to a height of eight feet. The placing of water-impermeable material, such as tar paper or plastic, over the root zone, or the use of materials or chemicals which will act to sterilize the soil of these areas is prohibited unless expressly approved by the tree advisory commission.

D. Any person claiming financial and/or physical inability to perform the duties set out in the section may petition the director of public works for relief. If the director of public works concurs that such inability exists, the director of public works shall direct city crews to perform the required work.

E. Notwithstanding other provisions of this chapter, it is made the duty of all persons owning or occupying any land within the city to maintain their individual sewer lateral (if any) clear of tree root obstructions, whether from city-owned or privately owned trees. Any application for the removal of a city-owned parkway tree for the purposes of relieving the applicant's sewer lateral of maintenance difficulties shall be subject to mitigation measures as described in Section 12.20.110 such as replacement of the tree or payment of fees for offsite tree replacement.

(Ord. 1157 § 1(part), 1998)

12.20.080 - Tree work in public parks.

A. Tree work in public parks shall be done by city public works crews, licensed contractors (as defined herein) under contract to the department of public works, or by licensed contractors (as defined herein) working in conjunction with the city's adopt-a-tree program.

B. In permitting any planting, trimming or removal of trees pursuant to this section, the director of public works shall be guided by the requirements of this chapter, the standards of the International Society of Arboriculture (latest edition), and the American National Standards Institute A300 standards for tree maintenance (latest edition). The aforementioned standards, as they may be amended, shall be kept on file at City Hall and at the city library and available for reference.

(Ord. 1157 § 1(part), 1998)

12.20.090 - Designation of an official tree.

The Englemann Oak, *Quercus Englemanii*, is designated as the official tree of the city of Sierra Madre. The Englemann Oak shall be a preferred replacement tree for mitigation measures, and shall be given special consideration for preservation in any review of development plans.

(Ord. 1157 § 1(part), 1998)

12.20.100 - Tree removal—Undeveloped property.

It is unlawful for any person, firm, or corporation to remove, damage or trim substantially (as defined herein) any protected tree (as defined herein) on undeveloped property (as defined herein) without the written consent (permit) of the director of public works.

(Ord. 1157 § 1(part), 1998)

12.20.110 - Permit procedure.

Permits for any of the tree removals or substantial trimming proscribed in Sections 12.20.040, 12.20.100, or 12.20.110 shall be issued at the discretion of the director of public works, after consultation with the tree advisory commission, established by this Chapter 12.20 according to the standards set forth hereafter. This section shall govern applications for removal or substantial trimming of protected trees in cases where removal or substantial trimming is necessary in connection with: (1) the issuance of a discretionary permit that results in the removal or substantial trimming of protected trees (as defined herein); and (2) the issuance of a ministerial permit that results in the removal or substantial trimming of protected trees (as defined herein).

A. A city permit shall be required for the removal of a protected tree as part of a development or construction project. The application for a permit for removal of a protected tree shall be on a form prepared by the city and shall be accompanied by a fee established by the city council. Any application for a tree removal permit shall be accompanied by a tree survey of the impacted area. The tree survey shall indicate the exact location of the trunk of all the protected trees on the impacted area of the project site, the tree species, diameter at breast height, dripline of the trees, and whether or not the protected trees are to be removed or pruned as part of the project. The tree survey shall include photographs of the impacted area of the project site illustrating all of the protected trees on the site. The tree expert may also require, at the expense of the applicant, a professional report containing specific information on tree condition, and analysis of the potential impact on affected protected trees of the requested development, recommended actions, mitigation measures and the advisability for requiring

monitoring of one or more trees on an individual lot or project site. In such cases the tree expert must be on site to observe and monitor work that impacts the protected trees and, at completion of such work, submit a certification letter. Any application for tree removal as part of a proposed construction project that is not accompanied by a tree survey shall be rejected by the department of public works as an incomplete submittal.

B. Applications shall first be reviewed by the department of public works to determine whether or not the submittal is complete. Complete applications shall then be reviewed for recommendation and comment by an appointed tree expert, and a report submitted to the tree advisory commission. A determination shall then be made by the commission whether or not and under what conditions, a permit should be granted by the entity or official listed below:

1. By the planning commission as part of any application requiring only planning commission action;
2. By the director of public works for any proposal not requiring planning commission approval.

C. Standards and provisions to be observed in considering a permit under this section are as follows:

1. The design and placement of development should incorporate, if at all possible, existing healthy trees into the site design.
2. The visual prominence and function of each tree on the site shall be considered prior to a decision on the application.
3. Removal or alteration shall not be approved unless one of the following shall apply:
 - a. The tree(s), due to their location with respect to the site topography and required construction setbacks, prevent reasonable development of permitted uses. Existing development on similar sites in the same zone and having similar topographic and vegetation characteristics shall be considered in the review process;
 - b. The condition of the tree(s) with respect to disease, maturity, danger of falling, proximity to existing structures, parking, high pedestrian traffic areas, activity areas or interference with utility services, cannot be controlled or remedied through reasonable preservation procedures and practices;
 - c. Good forestry practice suggests a reduction in the number of trees due to incapacity of the property to sustain the pre-existing number of trees in a healthy condition after approved development changes occur.

4. Protected trees approved for removal shall be replaced, unless finding is made at the time of granting an application that the site is inadequate to support the required number of replacement trees, as follows:

- a. Protected trees that prevent reasonable development shall be replaced within one year of removal by a minimum of one tree of the same species, or a suitable alternative recommended or approved by the tree expert, such trees to serve a comparable function. Minimum replacement tree size shall be twenty-four-inch box. In the event that the replacement tree dies, a continuing responsibility on the part of the property owner to replace the tree with one of comparable size, within six months of the replacement tree's demise, shall exist;
- b. Trees of an estimated age of one hundred years or more, or trees of high visibility or extraordinary aesthetic quality as determined by the tree advisory commission may be required to be replaced by large-sized specimen trees, as deemed appropriate by the tree expert;
- c. Continuing maintenance of required replacement trees by the property owner(s) or their successors shall be required. Mitigation monitoring requirements as specified in mitigation agreements (Section 12.20.130(C)) shall provide for the monitoring of the condition of replacement trees.

5. In cases where a site cannot support all of the trees required for replacement purposes, the remaining replacement requirement shall be met by the permit applicant as follows:

- a. Planting native trees or closely related species on public property; and/or
- b. Donation of money to the city's tree replacement fund according to a fee schedule established by resolution of the city council.

In either of the above cases, priorities for such tree planting locations shall be given to replacement of public street trees, as noted in Section 12.20.120.

6. All applications for tree removal relative to development shall be subject to the provisions of the city of Sierra Madre Guidelines for Implementing California Environmental Quality Act (CEQA) as adopted by the city council in April of 1998.

D. Construction shall not be done in a manner which negatively affects the growth or health potential of a tree required to be preserved. To improve the chances for long term survival of such trees, the following protection standards shall apply:

- 1. All cut, fill and/or building foundations shall be located at least three times the affected tree's diameter from the outside edge of the trunk of any tree scheduled for preservation and/or from any tree on adjacent properties, unless, because of the species affected, a lesser distance is adequate, as may be determined by

the tree expert. No material stockpiling, storage, placement of excavated soils or other changes in grade shall occur within the dripline of any tree, either temporarily, during construction or permanently.

2. All trees scheduled for preservation shall have the ground area surrounding the trunk, for which areas maintenance and protection is necessary during construction for the purpose of tree preservation, conspicuously designated by durable semi-permanent means. Such area shall be located outside the tree's dripline, if possible, and shall be designated prior to the start of construction. In no event shall the outer limits of the designated area be located closer than five feet from the outside edge of the trunk unless a lesser distance is determined adequate by the tree expert. Designated areas shall not be used for vehicle parking, shall be maintained in a natural condition, and not compacted.

3. In order to avoid unnecessary damage to the root system of trees, the applicant will be required to submit a utility trenching pathway plan to the department of public works for review and approval prior to issuance of a building permit. The plan must depict all systems to be placed below ground including but not limited to the following systems: storm and runoff drains; sewers; gas lines; electrical, cable television and telephone lines; and water mains. Additionally, the plan must show all lateral lines serving the proposed construction and any proposed irrigation system. The plan must include trees accurately located on the project site as well as an accurate plotting of their root zones. The plan should be developed considering the following guidelines:

- a. The trenching pathway plan should avoid the root zone of any protected tree.
- b. In cases where alternative routes are not available, tunneling under roots shall be used for all underground lines such as utility and drain lines in order to preserve roots two inches or larger in diameter. All tunneling shall be performed under the on-site supervision of the tree expert.
- c. Wherever possible underground lines shall be combined in the fewest possible trenches.
- d. Where it is possible to avoid some encroachment into root zones, the design must minimize the extent of such encroachment. The tree expert may require that these encroachments and mitigation measures be documented in a supplemental report prepared by an arborist.

4. No more than one-third of the root feeding zone of oak trees scheduled for preservation may be allowed to be damaged by new development, unless it can be demonstrated by an arborist, to the satisfaction of the city, that a greater area of the root feeding zone can be involved without damaging the tree.

5. Root feeding zone damage to other species shall be as allowed by the city tree expert. The tree advisory commission shall request technical assistance to

determine standards for other tree species common to Sierra Madre, such report to be made available to the public at City Hall and the city library.

6. All approved construction work within the root zone of trees scheduled for preservation shall observe the following minimum tree protection practices:

- a. Hand trenching shall be done at point of grade cuts closest to the trunk to expose the location of major roots, i.e., two inches in diameter or larger. Major roots shall be cut only with permission of the tree expert. In cases where rock or unusually dense soil prevents hand trenching, mechanical equipment may be approved; provided, that work inside the dripline is closely supervised by the city tree expert to prevent tearing or other damage to major roots.
- b. Where root cutting is permitted, exposed major roots shall be cut with a saw. Major roots shall not be ripped by construction equipment.
- c. Absorbent tarp or heavy cloth fabric shall be placed over new grade cuts and secured by stakes. Two to four inches of compost or woodchip mulch shall be spread over the tarp to prevent soil moisture loss. The organic covering material and tarp shall be thoroughly wetted twice per week to insure constant moisture levels until backfilling occurs.
- d. Trimming of branches shall be done with a saw, cut clean and performed according to standards of the International Society of Arboriculture. No tree sealant shall be used on cuts.
- e. Decks located above the root zone of trees scheduled for preservation shall be of post and beam construction to reduce the need for root pruning or removal.
- f. On-grade patios or paving that cover more than one-third of the root feeding zone of oak trees shall be constructed of permeable materials that allow aeration and water penetration.
- g. Planting and weed control beneath trees scheduled for preservation shall take into consideration the watering requirements of such trees, so as to prevent damage from over or under watering or other adverse affects on the health of the trees. Planting beneath native oak trees should be of special concern and should generally be avoided. (Installing lawn or other plantings that requires frequent watering insure a slow death for oak trees due to their sensitivity to over watering and susceptibility to oak root fungus.)

E. Appeals of action hereunder shall proceed as follows:

1. Any interested person may appeal action taken on a permit application pursuant to subsections (A)(1), (A)(2), (A)(3), or (A)(4) of this section. Such

appeals shall be directly to the city council pursuant to appeal procedures for tree advisory commission and planning commission.

2. Any interested person may appeal action taken on a permit application pursuant to subsection (A)(4) of this section. Such appeal shall be directly to the city council pursuant to appeal procedures set out in Section 12.20.110(D).

F. Once the city council has considered an appeal regarding an application for removal or alteration of a tree, all further applications and appeals within the following twelve month period relating to that tree shall be made directly to the city council.

(Ord. 1157 § 1(part), 1998)

12.20.120 - Tree planting required by the city.

The city, in considering applications for any discretionary approval, may require tree planting on or adjacent to the project site, should the city determine that such tree(s) will mitigate a project's impact regarding matters such as loss of open space and/or neighborhood aesthetics. Where tree planting adjacent to a project site is required, priority shall be given to replacement of public street trees in the vicinity which have died, or have been removed in accordance with the provision of this chapter.

(Ord. 1157 § 1(part), 1998)

12.20.125 - CEQA application.

All applications for tree removal from undeveloped property (as defined herein) or relative to development shall be subject to the provisions of the city of Sierra Madre Guidelines for Implementing California Environmental Quality Act (CEQA) as adopted by the city council in April of 1998.

(Ord. 1157 § 1(part), 1998)

12.20.130 - New subdivisions.

A. Before any street improvements in any new subdivision of real property in the city are accepted by the city council, the subdivider shall enter into a subdivision improvement agreement and provide to the city a bond in an amount equal to the total cost for purchasing and planting of all trees to be planted along all streets in such subdivision. The subdivider shall be responsible for the planting of the trees at the proper time as determined by the tree expert. If the subdivider fails to plant the trees as directed by the tree expert, the bond shall be forfeited to the city and the city will plant such trees.

B. All applications for tree removal relative to development shall be subject to the provisions of the city of Sierra Madre Guidelines for Implementing California Environmental Quality Act (CEQA) as adopted by the city council in April of 1998.

C. The owner of any development project in which protected tree removal is proposed shall enter into a mitigation agreement with the city. The mitigation shall be in a form approved by the city and shall specify the tree removal mitigation measures directed by the city and agreed to by the owner. The agreement shall also specify the time frame under which the mitigation measures are to be implemented by the owner and the penalties to be imposed should the owner fail to comply to the provisions of the mitigation agreement.

12.20.145 - Conservation easements.

Any property owner may petition the city to establish a conservation easement to set aside all or a portion of any parcel of land in perpetuity to provide for the preservation and protection of trees deemed worthy of special concern by resolution of the city council. All petitions shall be reviewed by the tree advisory commission, which shall make written recommendations to the city council on the feasibility and desirability of protective easements.

The terms and conditions of any easement shall comply with the provisions in the California Civil Code Sections 815-816 governing conservation easements, and shall include provisions allocating liability for both maintenance of any protected trees and liability of damages to third parties. The easement shall enure to the benefit of the city of Sierra Madre, the Sierra Madre Mountains Conservancy, or any other governmental agency or nonprofit organization as designated by the city council. The form of the easement shall be approved by the city attorney. Upon approval of the city council, the easement shall be recorded in the official records of the clerk/recorder of the county of Los Angeles.

12.20.150 - Severability.

If any section, subsection, sentence, clause, phrase, or portion of this code is for any reason, held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining parts of this code. The city council declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this code be declared invalid or unconstitutional.

12.20.155 - Repeal of prior ordinances.

Ordinances 1103, 1146U, 1147U, and 1148U are repealed.